

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	PRELIMINARY ORDER OF
- v. -	:	FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
MIRCEA CONSTANTINESCU,	:	
a/k/a "Sobo,"	:	19 Cr. 651 (SHS)
Defendant.	:	
	:	
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WHEREAS, on or about September 9, 2019, MIRCEA CONSTANTINESCU (the "Defendant"), among others, was charged in a four-count Indictment, 19 Cr. 651 (LTS) (the "Indictment"), with conspiracy to commit access device fraud, in violation of Title 18, United States Code, Section 1029(b)(2) (Count One); conspiracy to commit wire fraud and bank fraud, in violation of Title 18, United States Code, Section 1349 (Count Two); aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A(a)(1), 1028A(b) and 2 (Count Three); and conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Count Four);

WHEREAS, the Indictment included a forfeiture allegation as to Count One of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1029(c)(1)(C) of any and all property that constitutes or is derived from proceeds obtained directly or indirectly as a result of the commission of the offense charged in Count One of the Indictment, and any and all personal property used or intended to be used to commit the offense charged in Count One of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Indictment that the Defendant personally obtained, and certain specific property;

WHEREAS, the Indictment also included a forfeiture allegation as to Count Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(2)(A), of any and all property constituting, or derived from, proceeds obtained directly or indirectly as a result of the commission of the offense charged in Count Two of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count Two of the Indictment that the Defendant personally obtained, and certain specific property;

WHEREAS, the Indictment also included a forfeiture allegation as to Count Four of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1), of any and all property, real and personal, involved in the offense charged in Count Four of the Indictment, or any property traceable to such property, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count Four of the Indictment that the Defendant personally obtained, and certain specific property;

WHEREAS, on or about July 7, 2022, the Defendant was found guilty, following a jury trial, of Counts One through Four of the Indictment.

WHEREAS, the Government asserts that \$390,644.04 in United States currency represents property that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One, Two and Four of the Indictment that the Defendant personally obtained and property involved in the offense charged in Count Four of the Indictment, or property traceable to such property;

WHEREAS, the Government seeks a money judgment in the amount of \$390,644.04 in United States currency, pursuant to Title 18, United States Code, Sections

982(a)(2)(B) and 1029(c)(1)(C), representing property that constitutes or is derived from proceeds obtained directly or indirectly as a result of the commission of the offense charged in Count One of the Indictment; pursuant to Title 18, United States Code, Section 981(a)(2)(A), as property constituting, or derived from, proceeds obtained directly or indirectly as a result of the commission of the offense charged in Count Two of the Indictment; and pursuant to Title 18, United States Code, Section 981(a)(1), as property involved in the offense charged in Count Four of the Indictment, or property traceable to such property, or proceeds traceable to the commission of the offense charged in Count Four of the Indictment that the Defendant personally obtained; and

WHEREAS, the Court finds that as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One, Two, and Four of the Indictment that the Defendant personally obtained, and the property involved in the offense charged in Count Four of the Indictment, cannot be located upon the exercise of due diligence.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offenses charged in Counts One, Two and Four of the Indictment, of which the Defendant was found guilty, a money judgment in the amount of \$390,644.04 in United States currency (the "Money Judgment"), representing the proceeds traceable to the offenses charged in Counts One, Two and Four of the Indictment that the Defendant personally obtained and the property involved in the offense alleged in Count Four of the Indictment, for which the Defendant is jointly and severally liable with his co-defendant, IONELA CONSTANTINESCU to the extent a forfeiture money judgment is entered against IONELA CONSTANTINESCU in this case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant MIRCEA

CONSTANTINESCU, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. Upon entry of this Preliminary Order of Forfeiture/Money Judgment, and pursuant to Title 21, United States Code, Section 853, the United States Marshals Service shall be authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

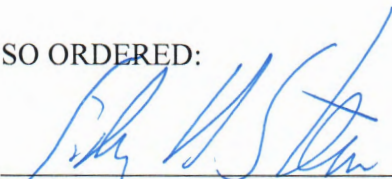
5. Pursuant to 21 U.S.C. § 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

Dated: New York, New York
March 7, 2023

SO ORDERED:


HONORABLE SIDNEY H. STEIN
UNITED STATES DISTRICT JUDGE